HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 8502 OF 2006

DATED: 27.4.2006

Between:

M. Arun Kumar

… Petitioner

and

The Commissioner of Endowments,

Government of A.P., and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.8502 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Responding to a notification for public auction for grant of leasehold rights for sale of certain items, in respect of Sri Gnana Saraswathi Devasthanam, Basara, Adilabad District, the petitioner submitted his bid for collection of sarees and blouse pieces offered by the devotees to the Presiding Deity. Auction was scheduled on 9.11.2005 but was however adjourned to 15.11.2005 and thereafter to 24.12.2005. At the said auction, the petitioner turned out to be the highest bidder on an offer of Rs.14,93,000/-. The 2nd respondent accepted the petitioner's bid as the most competitive and sent up proposals recommending the petitioner's bid for consideration, to the 1st respondent on 27.12.2005. The 1st respondent thereupon addressed the 2nd respondent on 21.2.2006 for certain clarifications. It appears that the 2nd respondent addressed the 1st respondent on 7.3.2006 submitting fresh proposals with regard to the collection of sarees and blouses.

This writ petition is filed seeking a declaration that the petitioner is entitled to grant of leasehold rights for collection of sarees and blouse pieces in the 2nd respondent-Devasthanam, in the aforesaid circumstances.

On instructions the learned Government Pleader for Endowments submits that after receipt of the proposals from the 2nd respondent on 7.3.2006, the 1st respondent has been communicating with the 2nd respondent from 9.3.2006 onwards for securing his presence for seeking further clarifications. However, the 2nd respondent is not responding. The learned Government Pleader admits that in

the statutory context the 1st respondent has disciplinary control over the 2nd respondent. In any event, the Endowments Department functions under the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, to ensure good governance and good management practices, of and by endowment institutions and for no other purposes. If the 1st respondent is unable to secure the presence of the 2nd respondent for a meeting, then in the interests of the administration, it is befitting that the 1st respondent should go to the 2nd respondent and sort out the issues instead of putting the interests of the Devasthanam in jeopardy. Such a turf battle between the 1st and 2 respondents shall however not subvert the interests of the Endowment Institution.

In any event, since the petitioner's amounts of nearly Rs.5,00,000/- are to the credit of the 2nd respondent-Devasthanam since 24.12.2005, the respondents are obligated to take an expeditious decision one way or the other instead of procrastinating further. If the 1st respondent eventually comes to a conclusion that the earlier auction process should be eschewed for some rational reason and a fresh process should be initiated, even so the petitioner would be entitled to refund of the entire amount deposited by him. If the petitioner's bid is to be accepted, then in that case the 2nd respondent-Devasthanam would be losing the revenues from 24.12.2005 till the date such decision is taken. In either event, delay in decision making amounts to mismanagement by the Endowment officers.

For the aforesaid reasons, the 1st respondent is directed to take a decision on the future of the tender process, in respect of collection of sarees and blouses offered by devotees to the 2nd respondent-temple, expeditiously and in any event within a period of 3 days from the date of receipt of a copy of this order. In this, the 1st respondent shall fail not. It is for the 1st respondent to devise appropriate measures and strategies to ensure a consultation with the 2nd respondent. The

intransigence of the 2nd respondent however will not entitle the 1st respondent to enlargement of time for the decision making ordained above.

On the analysis above, the writ petition is disposed of at the stage of admission. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 27.4.2006

Note: CC in three days

Bo CVM